Via email

November 12, 2019

Kenneth Cuccinelli, Acting Director U.S. Citizenship and Immigration Services 20 Massachusetts Avenue, N.W. Washington, D.C. 20529

Paul Ray, Acting Administrator
Office of Information and Regulatory Affairs
Office of Management and Budget
725 17th Street, NW
Washington, D.C. 20503

RE: Request for 60-Day Comment Period for USCIS Proposed Fee Schedule: DHS Docket USCIS-2019-0010; RIN 1615-AC18

Dear Acting Director Cuccinelli and Acting Administrator Ray:

We, the undersigned organizations, write to respectfully request that USCIS not limit but ensure a standard 60-day review period in connection with USCIS' proposal to adjust certain immigration and naturalization benefit request fees and the associated regulatory changes.

On November 8, 2019, the U.S. Citizenship and Immigration Services posted for public inspection its biennial fee review and fee adjustment schedule in the Federal Register. The pre-publication notice at page 2 indicated the public would be given only 30 days for comment. We are writing to respectfully request an extension of the comment period in view of the wide scope of this 300+ page rule and in keeping with past USCIS practices that provided the public a 60-day period to review and comment.

Executive Order 12866 states that agencies should allow "not less than 60 days" for public comment in most cases, in order to "afford the public a meaningful opportunity to comment on any proposed regulation." Executive Order 13563 states that "[t]o the extent feasible and permitted by law, each agency shall afford the public a meaningful opportunity to comment through the Internet on any proposed regulation, with a comment period that should generally be at least 60 days."

Considering the complexity of the rule, its policy implications above and beyond fee changes, and the serious consequences of the changes proposed, the undersigned do not see a justification for deviating from the 60-day standard for comment periods, as designated in EO 12866 and EO 13563.

In its proposed rule, USCIS provides no justification whatsoever for deviating from these executive orders. A comparison with prior comparable proposed fee rules shows what a dramatic and unprecedented departure from past practice it would be for USCIS to persist with a 30-day public comment period in this instance:

- 2007 proposed fee rule: approx. 25,500 words (60 days for public comments)
- 2016 proposed fee rule: approx. 38,300 words (60 days for public comments)
- 2019 proposed fee rule: approx. 90,900 words (30 days for public comments)

In other words, USCIS is currently requiring that the public thoroughly analyze and provide comments on a rule that is over 3.5 times longer than a comparable prior proposed rule, in only half the time.

We request this extension of the comment period in order to allow our organizations and the public adequate time to review the proposed regulatory and policy changes and provide meaningful feedback. A 60-day comment period would allow more organizations and affected groups to carefully examine the changes and weigh-in, in turn providing USCIS with more meaningful information to better address and consider the scope of related issues, assess unintended consequences, and prevent potential waste of resources.

Given the nature of the proposals and populations involved, we believe that these unique and expansive changes warrant additional time for review and comment. We thank you for your consideration of our request. Please contact Jill Marie Bussey at jbussey@cliniclegal.org or Rosalind Gold at rgold@naleo.org for any questions or concerns.

Sincerely,

¡HICA! Hispanic Interest Coalition of Alabama

A New Start

African Communities Together

American Immigration Lawyers Association

Arizona Latino Legislative Caucus

Arkansas Immigrant Defense

Arkansas United

ARYSE

Asian American Federation of Florida

Asian Americans Advancing Justice - Atlanta

Asian Americans Advancing Justice - Los Angeles

Asian Americans Advancing Justice | AAJC

Asian Counseling and Referral Service

Asian Pacific American Labor Alliance, AFL-CIO

Asian Pacific Institute on Gender-Based Violence

ASISTA

Bhutanese Community Association of Pittsburgh

Bonding Against Adversity

Boulder Valley Unitarian Universalist Immigration Justice Task Force

Boundless Immigration Inc.

California Partnership to End Domestic Violence

Campesinos Sin Fronteras

Canal Alliance

Canopy NWA

Casa San Jose

Catholic Charities East Bay

Catholic Charities Maine Refugee & Immigration Services

Catholic Charities of East Tennessee

Catholic Charities of the Archdiocese of Washington

Catholic Charities of the Diocese of Stockton

Catholic Legal Immigration Network, Inc.

Catholic Migration Services

Center for Gender & Refugee Studies

Center for Immigrant Advancement, Inc.

Center for Law and Social Policy (CLASP)

Center for Pan Asian Community Services, Inc.

Center for Public Policy Priorities

Central American Resource Center of California (CARECEN Los Angeles)

Central American Resource Center of Northern California (CARECEN)

Central Valley Immigrant Integration Collaborative (CVIIC)

Centro Romero

Chaldean Community Foundation

Chicanos Por La Causa

Chinese Information and Service Center

Church World Service

Citizenship News

Coalition for Humane Immigrant Rights - CHIRLA

Colorado Immigrant Rights Coalition (CIRC)

Comunidades Unidas

Conexión Américas

District 1199C Training & Upgrading Fund

Dsi International Inc

Education and Leadership Foundation

Employee Rights Center

End Domestic Abuse Wisconsin

Entre Hermanos

Equality California

Erie Neighborhood House

Esperanza Legal Assistance Center / Immigrant Connection Heritage Church

Families Belong Together

Feeding Texas

Florida Asian Services

Florida Chinese Federation

Freedom for Immigrants

Freedom Network USA

Friendly House Inc

Gateway Community Services Maine

Global Cleveland

GMHC

Greater Portland Immigrant Welcome Center

HANA Center

Her Justice

Heritage Network

HIAS Pennsylvania

Hispanic American Community Education & Services

Hmong American Women's Association

Illinois Coalition Against Domestic Violence

Illinois Coalition for Immigrant and Refugee Rights

Immigrant Legal Advocacy Project

Immigrant Legal Resource Center

Immigration Advocates Network

Immigration Center for Women and Children

Immigration Institute of the Bay Area

Indian Horizon of Florida

Interfaith Refugee and Immigration Service, Los Angeles

Iowa Coalition Against Domestic Violence

Kentucky Refugee Ministries

Kids in Need of Defense (KIND)

Korean Community Center of the East Bay

Lambda Legal

Latin American Coalition

LatinoJustice PRLDEF

League of United Latin American Citizens (LULAC)

Long Beach Immigrant Rights Coalition

Maine Immigrants Rights Coalition

Maine Intercultural Communication Consultants

Make the Road New Jersey

Maria Medrano

Mayor Muriel Bowser (District of Columbia, DC)

Mi Familia Vota

Mi Familia Vota Education Fund

Miami-Dade County Asian American Advisory Board

Michigan United

MIRC

Mixteca Organization, Inc.

NAACP

NANAY CEDC

National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund

National Association of Social Workers - Texas Chapter

National Immigrant Justice Center

National Immigration Forum

National Immigration Law Center

National Korean American Service & Education Consortium (NAKASEC)

National Partnership for New Americans

Naturalize Charlotte

New York Immigration Coalition

New York Legal Assistance Group (NYLAG)

Nigerians in Diaspora Organization Americas, Florida Chapter

Northwest Side Housing Center

Oasis Legal Services

OCA South Florida Chapter

OCA-Greater Houston

OCCORD (Orange County Communities Organized for Responsible Development)

OneAmerica

Pennsylvania Immigration and Citizenship Coalition

Presidents' Alliance on Higher Education and Immigration

Pro Bono Net

Proteus Inc.

Proyecto Inmigrante ICS, INC.

RAICES

San Joaquin College of Law- New American Legal Clinic

SEAMAAC

Self Help for the Elderly

Service Employees International Union

Services, Immigrant Rights & Education Network (SIREN)

Somali Community Center of Maine

Somali Family Safety Task Force

South Asian Network (SAN)

Sull and Associates, PLLC

Sylvester Turner, Mayor of Houston, Texas

Tennessee Immigrant and Refugee Rights Coalition

TheLegalClinic Hawaii

UnidosUS

UNITE HERE

United African Organization

United We Dream

Villa Comunitaria

Virginia Coalition for Immigrant Rights

Voces de la Frontera

We Are All America/Central Arizonans for Sustainable Economy

Welcoming the Stranger

West African Community Council

Winp LLC

World Relief